

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SHARY EVERETT, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

MCI, INC., a Delaware Corporation,

Defendant.

No. 07 Civ. 9590 (DC)

**NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION FOR LEAVE
TO FILE [PROPOSED] FIRST AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that, pursuant to Rule 15(a)(2) of the Federal Rule of Civil Procedure, Plaintiff Shary Everett, by and through her attorneys, will and hereby does, move the United States District Court for the Southern District of New York, located at the United States Courthouse, 500 Pearl Street, New York, New York for leave to file her [Proposed] First Amended Class Action Complaint. Plaintiff's motion is based on this notice, the accompanying memorandum of law, the proposed order (submitted herewith), the declaration of A. J. De Bartolomeo, the pleadings and papers before the Court, and such matters as the Court may consider, as well as the original copy of the [Proposed] First Amended Class Action Complaint lodged herewith.

Plaintiff's motion is unopposed.

Dated: July 14, 2008

Respectfully submitted,

GIRARD GIBBS LLP

/s/ A.J. De Bartolomeo
A. J. De Bartolomeo (*pro hac vice*)

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Attorneys for Individual and Representative
Plaintiff Shary Everett and Class Members Tom
Everett and Candace Bentley

CERTIFICATE OF SERVICE

I, A. J. De Bartolomeo, hereby certify that on July 14, 2008, I caused the following document(s) to be filed electronically with the United States District Court for the Southern District of New York through the Court's mandated ECF service:

1. **NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION FOR LEAVE TO FILE [PROPOSED] FIRST AMENDED CLASS ACTION COMPLAINT**
2. **[PROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE [PROPOSED] FIRST AMENDED CLASS ACTION COMPLAINT**

Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of July, 2008 at San Francisco, California.

/s/ A. J. De Bartolomeo